

### **REMARKS**

Claims 1-100 are pending. The Office action on February 9, 2006 indicated claims 4-6, 11-13, 16, 17, 20, 21, 23-25, 28-32, 38-46, 52-60, 66-74, 79-82, 85-88, 91-94 and 97-100 were allowable, but then rejected all claims in the Office Action. Claims 1, 2, 7-10, 14, 18, 22, 26, 33, 34, 36, 37, 47, 48, 50, 51, 61, 62, 64, 65, 77, 78, 83, 84, 89, 90, 95 and 96 were previously cancelled in an effort to permit the allowable claims to issue and advance prosecution, however since the rejection of these claims is maintained, these claims are reinstated. For the reasons provided below, the rejections are improper and thus Applicants respectfully traverse and request reconsideration.

As a preliminary matter, the response to arguments on page 27 of the office action merely restates the previous arguments that Benedetti and Osterland teach a depression between a peak and a free end of the spring. However, neither of these references teaches, among other things, one to three ripples having the form of a depression, including “the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple.” Thus, despite a 35 page office action and multiple rejections, none of the references teaches the one to three ripples having the form of a depression wherein the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple, and thus the office action fails to show where the references teach each and every element as claimed.

### ***Claim Rejections – 35 USC §102***

The Office Action rejects claims 1, 3-7, 9-12, 14-17, 25-29, 33, 35-39, 41, 45-47, 49-53, 55, 59-61, 63-67, 69, and 73-76 under 35 U.S.C. § 102 as being anticipated based on US Patent No. 4,402,118 (Benedetti).

**Benedetti**

Regarding independent claims 1, 11, 38, 52, 66, the Office Action fails to show where Benedetti teaches, among other things, the one to three ripples having the form of a depression wherein the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple. For example, the office action merely cites to Figs. 1-8 without particularly pointing out to where Benedetti teaches “the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple” and thus a showing is requested.

The office action points to Fig. 4 of Benedetti at the rounded outwardly angled lead portions 50, 52 and labels the curved portion “deepest part of depression.” However, Benedetti shows merely a curved portion having the same thickness rather than the one to three ripples having the form of a depression wherein the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple. Similarly, the office action on page 4 merely cites to Figs. 1-8 of Benedetti to recite the claimed “depression has a deepest part, a front side, a back side and a width” without any specific showing. Rather than show any depression on springs 34, 36, Benedetti instead shows springs 34, 36 having a consistent and continuous thickness for springs 34, 36 without the one to three ripples having the form of a depression wherein the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple. If this rejection is maintained, then a specific citation to Benedetti teaching this claim limitation is requested.

Benedetti teaches “[t]he trailing angle portions 42, 44 have rounded outwardly angled lead portions 50, 52 to facilitate placing the clip on the projection as illustrated in FIG. 4.” (Benedetti Col. 3 lines 4-6). Rather than teach the one to three ripples having the form of a depression wherein the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple, the cited portion of Benedetti instead teaches “rounded outwardly angled lead portions 50, 52” and clearly shows no distance between the surface of the hindrance portion and the deepest part of the respective ripple, and thus no depth is shown. *Id.* These rounded outwardly angled lead portions 50, 52 are used to facilitate placing the clip on the projection as illustrated in FIG. 4 and thus do not function as a hindrance portion. *Id.* Fig. 3 merely shows the lead portions 50, 52 as the mere ends of the legs 34, 36 with no depression shown and thus do not function as a hindrance portion. Benedetti throughout teaches the lead portions 50, 52 “permitting the clip to pass onto the projection”, not as a hindrance portion. (Benedetti Col. 3 lines 39-40).

According to the Office Action on page 3, the claimed hindrance portion corresponds to an alleged “recess provided between 46 and the free end of the spring 34 and recess provided between 48 and the free end of the spring 36.” Again, the office action does not show any portion of Fig. 4 reproduced in the office action to be labeled as a recess. Further, the undersigned is unable to find where Benedetti as cited describes a recess. If the office action maintains the existence of a depression corresponding to a “recess provided between 46 and the free end of the spring 34 and recess provided between 48 and the free end of the spring 36”, and the corresponding depth, then a showing is requested pursuant to 37C.F.R. 1.104(C)(2). Since the office action now reproduced Fig. 4, a label showing such a “recess” is required at a minimum for a basis to the rejection. *Id.*

Also, the office action cites to merely the same object in Benedetti, a vague nonspecific reference between 46, 48 and the free end of the spring 34, 36, to teach three distinct claim limitations, both “the ripple”, “the hindrance portion”, “the depression”, and the depth as claimed. Thus, the Office Action does not recognize the distinction between “the ripple”, “the hindrance portion”, “the depression”, and the claimed depth. If this rejection is maintained, a showing of the distinct elements of a depression, a ripple, the corresponding depth and a recess as asserted in the office action is respectfully requested.

On page 6, the office action asserts that the clip in Benedetti can be removed without damage to the clip. Such an assertion is merely conclusory, made without basis and is contradicted by the teachings of Benedetti. A careful study of Benedetti reveals that the assertion that removal without deforming the clip in Benedetti is contradicted by the teachings of Benedetti because extension 20 is rigid and, as also acknowledged by the office action on page 6, and thus causes deformation of the clip when pulled. As can be readily observed in the figures of Benedetti, withdrawal of the clip causes the arms to expand and thus deform in order to be removed from the slot thus causing the material to pass beyond its modulus of elasticity and thus to become deformed. Thus the office action fails pursuant to CFR 104(C)(2) to show where Benedetti teaches the structures cited in the claims.

For at least these reasons, the Office Action fails to show how Benedetti teaches each and every element as arranged in the claims. Therefore, the Office Action fails to establish how Benedetti anticipates the claims. Thus, the rejection should be withdrawn.

## **Osterland**

The Office Action rejects claims 1, 3-7, 10-12, 14-17, 25, 30, 31, 33, 35-39, 41, 47, 50, 52, 53, 55, 61, 63, 64, 66, 67, 69, 75 and 76 under 35 U.S.C. § 102(b) as being anticipated based on US Patent No. 6,928,705 (Osterland). As with Benedetti above, the Office Action fails to show where Osterland as cited teaches, among other things, the one to three ripples having the form of a depression wherein the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple.

Osterland fails to teach, among other things, “the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple.” The office action merely generally cites to Figs. 1-21 without particularly pointing out to where Osterland teaches “the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple” and thus a showing is requested.

According to the office action, the ripples having the form of a depression corresponds to the “(region of the engagement spring between 37, 137 and the free end of the spring 28, 128) between the free end and the peak in the vicinity of the peak (Figs. 1-21)). As similarly described above with regard to Benedetti, rather than show the one to three ripples having the form of a depression wherein the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple as claimed, Osterland instead shows springs having a consistent and continuous thickness for springs without a depression and/or ripple.

According to the Office Action, the concave engaging surface 50, shown as a continuous thickness, corresponds to both the claimed hindrance portion and the claimed depression. However, rather than show a depression as claimed, the concave surface 50 as shown in Figs. 4

and 5B instead is merely a bend (exterior convex portion) on each abutting flange 28. Also, the specification of the Osterland reference limits this bend to a radius of 2 to 4 mm and 15 to 25 degrees. (Osterland Col. 4 lines 1-2). Thus, Osterland merely describes a mere bend and not a depression as claimed. For at least these reasons, Osterland is distinguishable from the claims.

Rather than show where Osterland teaches the one to three ripples having the form of a depression wherein the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple, the Office Action merely cites again to the concave surface. If the rejection is maintained, then the Applicants request a specific citation to Osterland for teaching the distinct elements of: 1) the one to three ripples 2) having the form of a depression 3) wherein the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple pursuant to 37C.F.R. 1.104(C)(2). Since Osterland fails to teach the one to three ripples having the form of a depression wherein the depth of each ripple is the distance between the surface of the hindrance portion and the deepest part of the respective ripple, the frictional engagement area of the Osterland clip is less than the frictional engagement available from the ripple and depression. Thus, the Osterland clip functions differently in a different way to produce a different result. Therefore, the Office Action fails to show how Osterland teaches each and every element as arranged in the claims. For at least these reasons, the Office Action fails to establish how Osterland anticipates the claims. As a result, the rejection should be withdrawn.

#### ***Claim Rejections – 35 USC §103***

##### **Claims 2, 8, 13, 34, 40, 48, 54, 62 and 68**

The Office Action rejects claims 2, 8, 13, 34, 40, 48, 54, 62 and 68 under 35 U.S.C. § 103(a) as being unpatentable based solely on (Benedetti). The Office Action acknowledges

that Benedetti does not disclose where the gradually decreasing slope has the shape of an arch of 50 – 70 degrees and the arch has a radius of 0.03 to 0.05 mm and further does not disclose a relief opening in the vicinity of the bottom of the spring fastener. Applicants repeat the relevant arguments made above including those showing that the office action fails to show at least where Benedetti teaches the claimed depression and ripple. These dependent claims dependent on relevant independent claims 1, 33, 38, 47, 52, 61, and 66 adding further limitations and are thus also allowable for at least the reasons the independent claims are allowable. Reconsideration and withdrawal of the rejections is respectfully requested.

### **Smith**

The Office Action on pages 16 and 17 appears to cite to Smith to reject claim 32, however on page 28, #4 the office action acknowledges that Smith was inadvertently cited but is disqualified as prior art. The relevant arguments made in previous Office Actions are repeated including those showing that Smith is disqualified as prior art. Withdrawal of the rejection is requested.

### **Claims 18-24, 42-44, 56-58, and 70-72**

The Office Action on page 21 rejects claims 18-24, 42-44, 56-58, and 70-72 under 35 U.S.C. § 103(a) based on Osterland modified by Vassiliou. These claims are again rejected on page 24 under 35 U.S.C. § 103(a) as being unpatentable based on (Benedetti) in view of US Patent # 6,691,380 (Vassilou). Vassiliou is disqualified as prior art according to 35USC 103 (C) because Vassiliou is owned by the same person or subject to an obligation of assignment to the same person as the instant application, as recorded at reel/frame: 016662/0247. MPEP 706.02(I)(1). Applicants repeat the relevant arguments made above. These dependent claims

dependent on relevant independent claims 1, 33, 38, 47, 52, 61, and 66 adding further limitations and are thus also allowable for at least the reasons the independent claims are allowable.

These claims are again rejected on page 25 based on Osterland in view of Vassiliou. Vassiliou is disqualified as prior art according to 35USC 103 (C) because Vassiliou is owned by the same person or subject to an obligation of assignment to the same person as the instant application, as recorded at reel/frame: 016662/0247.

Regarding the dependent claims, the dependent claims depend on independent claims 1, 11, 33, 38, 47, 52, 61, 66, 75 and 76 adding further limitations and are thus also allowable for at least the reasons the independent claims are allowable. Reconsideration and withdrawal of the rejections is respectfully requested.

Applicants respectfully submit that now the claims are in condition for allowance, and an early Notice of Allowance is earnestly solicited. The Examiner is invited to telephone the below-listed attorney at 708-588-0948 to advance prosecution of this case.

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Respectfully submitted,

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